

Amendment No. 4 to HB1751

Sargent
Signature of Sponsor

AMEND Senate Bill No. 2249

House Bill No. 1751*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

49-6-816.

(a) As used in this section:

(1) "Distressed rural county" means any county that qualifies as an "eligible county" under § 67-6-104, for the apportionment of sales and use tax revenue for commercial development districts, and has a population of not less than seventeen thousand (17,000) nor more than seventeen thousand one hundred (17,100), or a population of not less than five thousand (5,000) nor more than five thousand one hundred (5,100), according to the 2010 federal census or any subsequent federal census; and

(2) "Employee" means a person employed full time to work in a public K-12 school, including as a teacher, principal, vice principal, or other staff member.

(b)

(1) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13, to the contrary, in addition to persons who are authorized to possess a firearm on school property under any other law, the local board of education in a distressed rural county may adopt a

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policy allowing the director of schools, in consultation with the principal of each school, to authorize and select employees who may carry a concealed handgun within and on the grounds of the school to which the person is assigned.

(2) If the director of schools authorizes one (1) or more employees to carry a concealed handgun as provided in subdivision (b)(1), the maximum number of employees that may be authorized is one (1) employee for each one hundred (100) students enrolled in the school.

(c) No employee shall be disciplined or otherwise suffer adverse employment consequences if the employee does not volunteer to be trained to carry a concealed handgun pursuant to this section.

(d)

(1) The director of schools shall not select an employee to carry a concealed handgun pursuant to this section unless the employee:

(A) Possesses and maintains a valid handgun carry permit issued by this state pursuant to § 39-17-1351;

(B) Is not prohibited from carrying a handgun under the laws of this state or federal law;

(C) Prior to carrying the concealed handgun on school property, successfully completes at least forty (40) hours of handgun instruction administered and taught by a local law enforcement agency whose lesson plans and curriculum have

been approved by the peace officers standards and training (POST) commission; and

(D) On an annual basis, completes at least sixteen (16) hours of continuing handgun instruction approved by the POST commission and administered and taught by a local law enforcement agency.

(2) Any training approved by the POST commission pursuant to subdivision (d)(1) shall include instruction designed to:

(A) Emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(B) Educate the employee about legal issues relating to the use of force or deadly force in the protection of others;

(C) Introduce the employee to effective school safety strategies and techniques;

(D) Improve the employee's proficiency with a handgun; and

(E) Enable the employee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(3) It is the duty of the employee to send to the director of schools a certificate evidencing successful completion of the initial forty-hour handgun training instruction and the annual sixteen-hour continuing handgun training instruction. No director of schools may select an employee to carry a concealed handgun on the property of the school to which the employee is assigned without proof of successful completion of the training requirements and a valid handgun carry permit.

(e) The cost of the handgun carry permit, additional firearms training, and the handgun and ammunition the employee will be carrying, shall be at the expense of the employee who has been authorized to carry a concealed handgun pursuant to this section. The LEA assumes no financial responsibility for a handgun possessed by an employee pursuant to this section. Nothing in this subsection (e) shall prohibit an LEA from paying a portion or all of the costs associated with the required training or handgun carry permit fees.

(f) For the safety of law enforcement officers, other first responders, faculty and staff, students, and the employee carrying the concealed handgun pursuant to this section:

(1) Within ten (10) days after the director of schools has authorized an employee to carry or possess a concealed handgun on school property pursuant to subdivision (b)(1), the director shall notify the chief of the appropriate local law enforcement agency of each such authorization; and

(2) Each employee authorized by the director of schools to carry a concealed handgun at an interscholastic athletic event pursuant to this section, other than a law enforcement officer, shall wear appropriate insignia or clothing that clearly identifies the employee as a school security officer or otherwise as being in lawful and authorized possession of a handgun.

(g) An employee's authorization to carry a concealed handgun pursuant to this section shall become ineffective upon the:

(1) Expiration, suspension, or revocation of the employee's handgun carry permit pursuant to § 39-17-1351; or

(2) Termination of the employee's employment with the school.

(h) The board of education and director of schools may, at their sole discretion, revoke an employee's authorization to carry a concealed handgun on school property with or without cause.

(i) The notification transmitted to the chief of the appropriate local law enforcement agency pursuant to subdivision (f)(1), the names and contact information of any employee authorized to carry or possess a concealed handgun on school property pursuant to subdivision (b)(1), any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools and the principal of the school have or have not authorized an employee to carry or possess a firearm on school property, or any other document, file, record, information, or material relating to the carrying or possessing of a handgun on school property pursuant to this section that is received by, transmitted to, maintained, stored, or compiled by the director of schools, the principal of the school, any LEA, or county or municipal law enforcement agency, shall be confidential and not open for public inspection under title 10, chapter 7.

(j) Nothing in § 49-3-315 shall require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer, as defined in § 49-6-4202, to any city school system within that county on the basis of the WFTEADA, as defined in § 49-3-302. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

(k) This section shall only apply to a public school located in a distressed rural county. If a county is removed from the distressed rural counties list and one (1) or more of the employees of the public school system within that county

was authorized to carry a concealed handgun on school property pursuant to this section, the authorization shall expire thirty (30) days after the county is removed from the list.

SECTION 2. Tennessee Code Annotated, Section 39-17-1309, is amended by adding the following new subdivision to subsection (e):

() Persons carrying a handgun pursuant to § 49-6-815 or § 49-6-816; provided, that this subdivision shall apply only within and on the grounds of the school for which the person is authorized;

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.